

Honorable James L. Robart
Trial Date: August 16, 2022

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

ALLSTATE INDEMNITY COMPANY,

Plaintiff,

v.

RANDY LINDQUIST, an individual, and
JPMORGAN CHASE BANK, N.A.,

Defendants.

No. 2:20-cv-01508-JLR

JOINT PRETRIAL ORDER

RANDY LINDQUIST, an individual,

Third-Party Plaintiff,

v.

MELODY J. GRONDAHL; G&J
RESTORATION, INC., doing business as
PAUL DAVIS OF GREATER SEATTLE,

Third-Party Defendants.
Defendants.

The parties preliminarily conferred regarding the Pretrial Order and trial exhibits. After the submission of this Pretrial Order, the parties anticipate conferring further in an effort to streamline the trial and may submit a proposed Amended Pretrial Order either before or after the Pretrial Conference.

1. JURISDICTION

1 The Complaint in this matter was originally filed in the United States District Court
2 Western District of Washington pursuant to 28 U.S.C. § 1441. This Court has proper
3 (original) jurisdiction over this case pursuant to 28 U.S.C. § 1332 because Defendant
4 Lindquist is a Washington resident, Allstate is a foreign corporation, and the amount in
5 controversy exceeds \$75,000.

6 Personal jurisdiction and venue are proper in this District pursuant to 28 U.S.C.
7 § 1391(a), and (c), and Federal Rules of Civil Procedure 4(k)(1) and 4(k)(2).

8 **2. CLAIMS AND DEFENSES**

9 **Plaintiff Allstate's Claims for Relief**

10 Plaintiff Allstate alleges and claims relief as follows:

11 1. There is an actual and justiciable controversy as to Allstate's obligations under
12 the policy.

13 2. The issue to be determined in this declaratory judgment action is whether
14 Defendant Randy Lindquist is entitled to coverage pursuant to the terms and conditions of the
15 Policy.

16 3. It is the position of Allstate that there is no coverage for the December 25, 2019,
17 fire because Mr. Lindquist allegedly violated multiple provisions of the Subject Policy.
18 Moreover, it is Allstate's position that the Subject Property had suffered continuous vandalism
19 damage from 2013 up through the fire loss in December of 2019. Allstate also claims that:

20 a. Mr. Lindquist misrepresented and concealed facts regarding the nature
21 and extent of the damage to his dwelling and personal property;

22 b. Mr. Lindquist misrepresented and concealed facts regarding his actions
23 on the date of loss;

c. Mr. Lindquist misrepresented and concealed facts regarding how he
allegedly maintained the Fisher Road Property;

d. Mr. Lindquist misrepresented and concealed facts regarding his claims for damage;

e. Mr. Lindquist misrepresented and concealed facts regarding his bankruptcy;

f. Mr. Lindquist misrepresented and concealed facts regarding his 2013 insurance claim to Allstate;

4. Allstate alleges the relevant coverage exclusions in Allstate's policy are set forth as follows:

Insuring Agreement

In reliance on the information **you** have given **us**, **Allstate** agrees to provide the coverages indicated on the Policy Declarations, in return, **you** must pay the premium when due and comply with the Policy terms and conditions, and inform **us** of any change in title, use or occupancy of the **residence premises**.

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Misrepresentation, Fraud or Concealment

We may void this policy if it was obtained by **you** or someone on **your** behalf and **you** or someone on **your** behalf intentionally concealed, engaged in fraud or misrepresented any material fact or circumstance that exists at the time of a loss relating to this insurance policy. If **we** determine that this policy is void, all premiums paid will be returned to **you** since there has been no coverage under this policy.

We do not cover any loss or occurrence in which any **insured person** has concealed or misrepresented any material fact or circumstance that exists at the time of the loss or occurrence.

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Losses We Do Not Cover Under Coverages A and B:

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7. The failure by any **insured person** to take all reasonable steps to preserve property when the property is endangered by a cause of loss we cover.

8. Any substantial change or increase in hazard, if changed or increased by any means within the control or knowledge of an **insured person**.

9. Intentional or criminal acts of or at the direction of any **insured person**, if the loss that occurs: a) may be reasonably expected to result from such acts; or b) Is the intended result of such acts.

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20. Vandalism or Malicious Mischief if **your dwelling** is vacant or unoccupied for more than 30 consecutive days immediately prior to the vandalism or malicious mischief. A **dwelling** under construction is not considered vacant

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Section I – Conditions

3. What You Must Do After a Loss

In the event of a loss to any property that may be covered by this policy, **you** must:

a) promptly give **us** or **our** agent notice. Report any theft to the police as soon as possible. If the loss involves a credit card, charge plate or bank fund transfer card, give written notice to the company or bank that issued the card or plate.

b) protect the property from further loss. Make any reasonable repairs necessary to protect it. Keep an accurate record of any repair expenses.

c) separate damaged from undamaged personal proper. Give **us** a detailed list of the damaged, destroyed or stolen property, showing the quantity, cost, actual cash value and the amount of loss claimed.

d) give **us** all accounting records, bills, invoices and other vouchers, or certified copies, which **we** may reasonably request to examine and permit **us** to make copies.

...

f) as often as **we** reasonably require:

1) show **us** the damaged property.

2) at **our** request submit to examinations under oath, separately and apart from any other person defined as **you** or **insured person** and sign a transcript of the same.

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8. Abandoned Property.

We are not obligated to accept any property or responsibility for any property abandoned by an **insured person**.

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5. Allstate further claims Mr. Lindquist misrepresented and concealed material facts in this matter, including, but not limited to the following:

- a. The number of vandalisms to the Subject Property;
- b. That the property was vacant from 2013 until the fire loss;
- c. That he was still in the process of a remodel when the fire loss took place;
- d. The nature and extent of the damages to the Subject Property over the years;
- e. The nature and extent and value of his personal property on the Subject Property at the time of the fire;
- f. Information regarding his bankruptcy;
- g. The number of times he was at the Subject Property;
- h. His actions to allegedly safeguard the Subject Property;

i. The reason he had \$100,000 or more in his personal bank accounts in 2018 and 2019;

6. Allstate claims Mr. Lindquist failed to cooperate in this matter as required by the terms and conditions of the Allstate policy and as required under Washington state law, including, but not limited to the following:

a. Allstate alleges Mr. Lindquist never alerted Allstate pertaining to the increased risk that was created when Lindquist abandoned the Subject Property and when the property experienced multiple acts of vandalism.

b. Allstate alleges that Mr. Lindquist's refusal to cooperate for more than six months delayed Allstate's investigation into the loss and caused prejudice to Allstate's investigation.

c. Allstate alleges that had Mr. Lindquist reported the prior losses/vandalisms to Allstate, Allstate would not have renewed the policy.

Allstate claims that, despite the existence of the duty to investigate, Mr. Lindquist did not assist Allstate in investigating the damage for nearly six months following the fire.

Allstate claims, pursuant to the doctrine of judicial estoppel, that Mr. Lindquist cannot allege damages for personal property exceeding the \$5,000 claimed in Mr. Lindquist's personal bankruptcy case.

Allstate claims that Mr. Lindquist had a motive and opportunity to set the fire.

Allstate reserves the right to identify additional provisions of the policy of insurance that may affect its rights and obligations as it relates to the subject claim.

Allstate, Paul Davis, and Melody Grondahl deny the claims asserted by Mr. Lindquist. Allstate, Paul Davis, and Melody Grondahl further deny liability for any and all damages being asserted by Mr. Lindquist.

Mr. Lindquist's Claims and Defenses

Lindquist denies the claims asserted by Allstate that it does not have to provide coverage and payment of benefits arising from the fire.

Lindquist is a policyholder on a homeowners' insurance policy issued by Allstate. He brings this action for both contractual benefits and extracontractual damages caused by Allstate's handling of his insurance claim.

Lindquist will seek a judgment that Allstate breached the insurance contract; failed to act in good faith; negligently handled his insurance claim; violated the Consumer Protection Act (CPA), RCW 19.86.090; and violated the Insurance Fair Conduct Act (IFCA), RCW 48.30.015. Lindquist will also seek a declaratory judgment relating to his entitlement to benefits under the contract.

Lindquist will seek recovery of compensatory damages under each of these theories; punitive damages under the CPA and IFCA; and attorney fees and costs.

Lindquist also asserts third-party claims against Melody Grondahl for negligence and against Paul Davis for trespass.

Lindquist further asserts that many of Allstate's claims are precluded from trial either because it is too late to amend the pleadings or because of the Court's summary judgment rulings, Dkt. 207, including the following alleged misrepresentations regarding:

- a. The number of vandalisms to the Subject Property;
- b. That the property was vacant from 2013 until the fire loss;
- c. That he was still in the process of a remodel when the fire loss took place;
- d. Information regarding his bankruptcy;
- e. His actions to allegedly safeguard the Subject Property;

f. The reason he had \$100,000 or more in his personal bank accounts in 2018 and 2019;

3. ADMITTED FACTS

1. Randy Lindquist owns the home and property located at 6920 Fisher Rd. in Edmonds, Washington (“Fisher Road Property”).
2. On December 25, 2019, a fire burned down Mr. Lindquist’s Fisher Rd. house.
3. At the time of the fire, the home was insured by Allstate, policy no. 91717991 (“the policy”). Allstate originated a homeowners’ insurance policy in 2004 and renewed the policy on an annual basis.
4. The policy was issued in the State of Washington.
5. Mr. Lindquist’s policy provides dwelling protection up to \$3,311,872.00; other structures protections up to \$331,188.00; and personal property protection up to \$2,483,904.00. The policy also provides building structure reimbursement extended limits endorsement benefits, pursuant to the terms and conditions of the policy.
6. Mr. Lindquist reported the fire loss to Allstate through his Allstate insurance agent, Melody Grondahl.
7. Mr. Lindquist is a first-party claimant under the policy.¹
8. On August 12, 2020, Mr. Lindquist submitted proofs of loss to Allstate for the damage to both the structure of his home as well as the contents from the December 25, 2019 fire.
9. On October 13, 2020, Allstate filed its Complaint for Declaratory Relief against Randy Lindquist in this matter.

¹ Allstate admits this fact but objects to admissibility.

10. On November 12, 2020, Mr. Lindquist's attorney sent a 20-day Insurance Fair Conduct Act (IFCA) violation notice to Allstate and the Washington State Office of the Insurance Commissioner.²

11. Allstate denied coverage and has not paid any insurance benefits to Lindquist.³

4. ISSUES OF LAW

Allstate's Statement

1. Whether Lindquist is entitled to coverage?
2. Whether Lindquist misrepresented any of the following:
 - a. The condition of the Fisher Road Property at the time of the fire?
 - b. The nature and extent and value of the personal property at the Fisher Road Property at the time of the fire?
 - c. The number of times Lindquist visited or was at the Fisher Road Property?
3. Whether Lindquist failed to cooperate as required by the policy by:
 - a. Never alerting Allstate to the increased risk that was created when Lindquist abandoned the Subject Property and when the property experienced multiple acts of vandalism.
 - b. Refusing to cooperate with Allstate's investigation for more than six months, delaying Allstate's investigation into the loss and causing prejudice to Allstate's investigation.
4. Whether the vandalism exclusion applies?
5. Whether Allstate knew about the occupancy status of the Fisher Road Property?

² Allstate admits this fact but objects to admissibility.

³ Allstate admits this fact but objects to admissibility.

6. Whether Lindquist intentionally caused the fire?
7. Whether Allstate had a duty to investigate the loss?
8. Whether Melody Grondahl owed Mr. Lindquist only the duties of a general agent?

Mr. Lindquist's Statement

1. Did Allstate breach the terms of the insurance policy?
2. Did Allstate violate the duty of good faith as a matter of law?
3. Did Allstate negligently handle Lindquist's claim as a matter of law?
4. Did Allstate violate claims-handling regulations found at WAC 284-30-330 as a matter of law?
5. Did Allstate violate the CPA as a matter of law?
6. Did Allstate violate IFCA as a matter of law?
7. Did Grondahl negligently perform her duties as Lindquist's insurance agent?
8. Did Paul Davis commit trespass as a matter of law?

5. WITNESSES

A. Fact Witnesses

1. Allstate's Fact Witnesses:

As further detailed below, Allstate intends to have all its trial witnesses testify live, either in-person or by virtual means subject to this Court's approval. To that end, Allstate intends to file a Motion to Permit Virtual Trial Testimony Under FRCP 45(c) for the following fact witnesses: **John Voves** and **Chad Oates**. Further, Defendant Lindquist has listed an Allstate employee, **Craig Nemecek**, as one of his witnesses. Based on information and belief, Mr. Nemecek lives in Arizona. As such, Allstate also intends to request this Court's permit Mr. Nemecek be permitted to testify virtually.

Individual	Information/Relevant Knowledge
1. Randy Lindquist c/o Plaintiff Litigation Group PLLC Isaac Ruiz, WSBA #35237 Kathryn Knudsen, WSBA #41075 1200 Fifth Ave., Suite 1220 Seattle, WA 98101 P: (206) 203-9100	Mr. Lindquist will testify relating to the home, the insurance claim, and his damages.
2. Austin Benjamin Lindquist 3. Brandon Lindquist 4. Kiana Lindquist 5. Zachary Lindquist 17436 - 47th Avenue Lake View Lane Lake Forest Park, 98155 or 5536 Northeast 182nd Street Kenmore, WA 98028	The Lindquist children may have firsthand knowledge regarding the property and how its condition may have changed over time.
6. Bret Follett 7. Ryan Jensen Allstate Indemnity Company c/o Wathen Leid Hall Rider, P.C. Rory W. Leid, III 222 Etruria St. Seattle, WA 98109 (206) 622-0494	Brett Follett & Ryan Jensen are Allstate employees who will testify as to facts and information which they have knowledge including but not limited to information regarding the policy of insurance issued to Defendant Lindquist (policy no.: 91717991), as well as related coverage and adjustment issues, claims investigation, claims decisions, and claims analysis.
8. David Ganschow Paul Davis c/o Wathen Leid Hall Rider, P.C. Rory W. Leid, III 222 Etruria St. Seattle, WA 98109 (206) 622-0494	David Ganschow is an employee of Paul Davis, which was retained by EFI Global and Allstate to assist with securing the site and making the property safe for the fire investigators to access the site and conduct their investigation into the C&O of the fire. Mr. Ganschow is expected to testify as to all claims which he has information and knowledge.

Individual	Information/Relevant Knowledge
<p>9. Melody J. Grondahl c/o Wathen Leid Hall Rider, P.C. Rory W. Leid, III 222 Etruria St. Seattle, WA 98109 (206) 622-0494</p>	<p>Melody J. Grondahl is the independent insurance sales agent who sold Defendant Lindquist the Allstate homeowner's insurance policy no.: 91717991. Ms. Grondahl is expected to testify as to all claims which she has information and knowledge.</p>
<p>10. Jesse Taylor Premium Appraisal LLC 12006 98th Ave NE, Ste. 101 Kirkland, WA 98034 (425) 821-747</p>	<p>Mr. Taylor conducted an appraisal of the property. His report has been disclosed. Mr. Taylor is expected to testify as to his knowledge and/or information regarding his valuation of the property.</p>
<p>11. Arsalan Khazeni A K Appraisals 14218 73rd Ave NE Unit B202 Kirkland, WA 98034 (425) 351-0932</p>	<p>Arsalan Khazeni appraised and/or evaluated the Fisher Road property in 2018 and has knowledge of the condition of the property. His report has been disclosed. Mr. Khazeni is expected to testify as to his knowledge and/or information regarding his valuation of the property.</p>
<p>12. John Voves 1420 Northwest Gilman Boulevard #2105 Issaquah, WA 98027 (Mailing Address)</p> <p>13 Palmetto, Roatan, Honduras (Physical Address)</p>	<p>John Voves appraised and/or evaluated the Fisher Road property in late 2013 and has knowledge of the condition of the property. His report has been disclosed. Mr. Voves is expected to testify as to his knowledge and/or information regarding his valuation of the property.</p> <p>Based on information and belief, Mr. Voves currently resides in Honduras. Allstate intends to file a motion requesting Mr. Voves be permitted to testify virtually pursuant to FRCP 45(c).</p>
<p>13. Tami Salts The Grondahl Agency 7024 Evergreen Way, Ste B Everett, WA 98203</p>	<p>Ms. Salts is an employee of the Grondahl Agency and may have knowledge or information regarding the subject property, discussions with Mr. Lindquist, and the subject loss. Ms. Salts is expected to testify as to all topics and claims which she has information and knowledge.</p>

Individual	Information/Relevant Knowledge
<p>14. Chad Oates (425) 244-2697</p>	<p>Mr. Oates was at the Fisher Road property in approximately 2015, and may have knowledge about the subject property, including but not limited to the condition of the property. Mr. Oates is expected to testify as to all topics and claims which he has information and knowledge.</p> <p>Based on information and belief, Mr. Oates currently resides in Illinois. Allstate intends to file a motion requesting Mr. Oates be permitted to testify virtually pursuant to FRCP 45(c).</p>
<p>15. Tony Robinson Snohomish County Fire Department</p>	<p>Mr. Robinson was at the Fisher Road property in December 2019 with a Snohomish County Sheriff's deputy who was responding to a suspicious activity call. Mr. Robinson was able to see the condition of the property shortly before the fire. Mr. Robinson is expected to testify as to all topics and claims which he has information and knowledge.</p>
<p>16. Edwin E. Hardesty Deputy Fire Marshall Snohomish County Fire Marshall's Office 3000 Rockefeller Ave, M/S 604 Everett, WA 98201</p>	<p>Ed Hardesty was the fire marshal and lead investigator at the December 25, 2019, fire at the Subject Property. Mr. Hardesty is expected to testify as to all topics and claims which he has information and knowledge.</p>
<p>17. Winfield Lamont Beckner 6723 Fisher Rd Edmonds, WA</p>	<p>The above-listed persons were or are neighbors near the Subject Property. They stated that the Subject Property had been vacant for nearly a decade before the December 25, 2019, fire. During that time, the Subject Property became a magnet for vandalism and theft. Some of these neighbors provided comments regarding the condition of the property and the facts and circumstances surrounding the fire. Mr. Beckner is expected to testify as to all topics and claims which he has information and knowledge.</p>

2. **Mr. Lindquist's Fact Witnesses:**

Individual	Information/Relevant Knowledge
1. Randy Lindquist c/o Undersigned Counsel	Mr. Lindquist will testify relating to the home, the insurance claim, trespass to his property, and his damages.
Employees and representatives of Allstate: 2. Bret Follett 3. Nicole Diedrich 4. Ryan Jensen 5. Craig Nemecek 6. Chris Watson c/o Counsel of Record	These witnesses will testify relating to Allstate's practices, knowledge relating to Mr. Lindquist and the home, and the handling of the insurance claim.
Employees and representatives of Paul Davis: 7. Former employee Greg Thode 8. Karl Buettner 9. David Granschow c/o Counsel of Record ⁴	These witnesses will testify relating to the company's actions and omissions at the home and its relationship and communications with Allstate.
10. Melody J. Grondahl 11. Tami Salts c/o Counsel of Record	These witnesses will testify relating to the relationship with Mr. Lindquist; knowledge relating to Mr. Lindquist and the home; and the claim.
12. Mark Crowley EFI Global	Mr. Crowley is the fire investigator hired by Allstate. He will testify on that subject as well as on standards that apply to fire

⁴ Counsel for Paul Davis has advised Lindquist's counsel that they are unable to accept service on behalf of Mr. Greg Thode or Mr. Karl Buettner since they are no longer employed by Paul Davis.

Individual	Information/Relevant Knowledge
c/o Counsel for Allstate	investigations.
13. Nichole Rosling (253) 394-8605	Ms. Rosling will testify relating to the home, the events of December 25, and the impact of this claim on Mr. Lindquist.
14. Brandon Lindquist 15. Austin Lindquist 16. Zach Lindquist 17. Kiana Lindquist c/o Lindquist's counsel	These witnesses are Mr. Lindquist's children. They may testify relating to the home and the impact of the claim on Mr. Lindquist.
18. Scott Lindquist (206) 372-6197	Scott Lindquist may testify relating to the home. He is Randy Lindquist's brother.
19. Becky Eilert (206) 920-7689	Neighbor of Mr. Lindquist. She may testify about how often Mr. Lindquist was at the home and her communications with Mr. Lindquist

B. Expert Witnesses

1. Allstate's Expert Witnesses:

Allstate intends to have all of its trial witnesses testify live, either in-person or by virtual means subject to this Court's approval. To that end, Allstate intends to file a Motion to Permit Virtual Trial Testimony Under FRCP 45(c) for the following expert witnesses: **Brian Chase** and **Colby Burnett**.

Individual	Subject of Testimony
<p>1. Danette Leonhardi Puget Sound Claim Consulting 3635 Fremont North, #407 Seattle, WA 98103 dleonhardi@pugetsoundclaimconsulting.com (206) 251-2598</p>	<p>Ms. Leonhardi is an expert regarding insurance claims handling and has performed a review of relevant disclosures and documents in this matter. Ms. Leonhardi may be called to testify regarding her review of the available evidence in this matter, and her opinions and conclusions regarding the same, based on her education, training, and experience.</p>
<p>2. Brian M. Chase, Esq. ArcherHall 115 W. Washington St. Tucson, AZ 85701 bchase@archerhall.com (855) 839-9084</p>	<p>Mr. Chase is a Managing Director of Digital Forensics and eDiscovery at ArcherHall and has performed a review of relevant disclosures and documents in this matter. Mr. Chase may be called to testify regarding his review of the available evidence in this matter, and his opinions and conclusions regarding the same, based on his education, training, and experience.</p> <p>Based on information and belief, Mr. Chase currently resides in Arizona. Allstate intends to file a motion requesting Mr. Chase be permitted to testify virtually pursuant to FRCP 45(c).</p>
<p>3. Mark A. Crowley EFI Global 9316 Lakeview Avenue, Building 21-C PO Box 98887 Lakewood, WA 98496 mark.crowley@efiglobal.com (253) 588-2730</p>	<p>Mr. Crowley is the District Manager for the Northwest District, at EFI Global, was retained as a cause and origin expert, and has performed a review of relevant disclosures and documents in this matter. Mr. Crowley may be called to testify regarding his review of the available evidence in this matter, and his opinions and conclusions regarding the same, based on his education, training, experience.</p>

Individual	Subject of Testimony
<p>4. Colby Burnett 1197 Stirup Drive Spring Branch, Texas 78070</p> <p>PO Box 1411 Stevenson, WA 98648 503-707-6740 colby@onpointpropertydamage.com</p>	<p>Mr. Burnett is the president of OnPoint Property Damage Specialists and has performed a review of relevant disclosures and documents in this matter. Mr. Burnett may be called to testify regarding his review of the available evidence in this matter, and his opinions and conclusions regarding the same, based on his education, training, and experience.</p> <p>Based on information and belief, Mr. Burnett currently resides in Texas. Allstate intends to file a motion requesting Mr. Burnett be permitted to testify virtually pursuant to FRCP 45(c).</p>

2. Mr. Lindquist's Expert Witnesses

Individual	Subject of testimony
<p>1. Craig Sternberg Sternberg Thomson Okrent & Scher 2033 Sixth Avenue, Suite. 251 Seattle, WA 98121-2526</p>	<p>Mr. Sternberg may (pending motion in limine regarding 2013 bankruptcy) testify consistent with his expert report. He represented Mr. Lindquist in the bankruptcy.</p>
<p>2. Roger Howson, President, ICDR, Inc: Claims Dispute Resolution 1455 NW Leary Way, Ste. 400 Seattle, WA 98107 (206) 489-5240</p>	<p>Mr. Howson will testify consistent with his expert report. He assisted Mr. Lindquist in preparing proofs of loss.</p>
<p>3. Terry Eggert, D2 Construction Consulting, LLC 6607 Whitman NE Tacoma, WA 98422 (425) 330-1114</p>	<p>Mr. Eggert will testify consistent with his expert report. He assisted Mr. Lindquist in preparing proofs of loss.</p>

4. Steven Castele, MAI Kidder Mathews 601 Union Street, Suite 4720 Seattle, WA 98101 (206) 205-0200	Mr. Castele will testify consistent with his expert report. He is an expert appraiser who assisted Lindquist in preparing an appraisal for property.
5. Paul Pederson Pederson and Associates PO Box 1588 Orting, WA 98360 (206) 861-3700	Mr. Pederson will testify consistent with his expert report. He is an accountant who helped Lindquist calculate interest on his property.
6. Larry Randall Karstetter 30605 164th Ave SE Auburn, WA 98092 (253) 246-8948	Mr. Karstetter may (pending motion in limine regarding cell phone evidence) testify consistent with his expert report. He is an expert in cell phone forensics.
7. Thomas Lether 1848 Westlake Ave. N #100 Seattle, WA 98109	Mr. Lether will testify consistent with his expert report. He is an expert in insurance claims handling standards.

The Parties reserve the right to object to and move to exclude any of the other party's respective witness(es).

6. EXHIBITS

The Parties' Objection Code:

E	Exhibit is objectionable because it constitutes attempted excerpt testimony from a person who was not designated as an expert (Fed. R. Civ. P. 26)
F	Lack of Foundation
MIL	Subject of Motion in Limine
Dkt#69	Confidential & subject to the protective order [Dkt#69], entered 07.29.21. Allstate anticipates filing a motion for protective order to maintain confidentiality of documents.

Dkt#73	Allstate produced a number of privileged, protected documents and materials in compliance with the Court's 8.16.21 discovery order [Dkt73]. Trial admissibility remains.
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Allstate's Exhibits

Ex. No.	Date	Description	Authenticity	Admissibility	Objection	Admitted
1	Various	Allstate Log Notes (Allstate 000001 – 000634)	Stipulated	Disputed	FRE 401–03; hearsay; foundation; exhibit consists of a multitude of pages of information, much of which is hearsay and much of which is just copied text from other documents; it is likely to lead to undue confusion for the jury	
2	9/3/2013	2013 Appraisal from JKM Appraisals	Stipulated	Disputed	Hearsay; foundation	
3	12/17/2018	2018 Appraisal from AK Appraisals	Stipulated	Disputed	Hearsay; foundation	
4	Various	Photographs from before Dec 2019 Police reports	Stipulated	Disputed	FRE 403; certain photos are cumulative and prejudicial, including for example multiple photos of a firearm	

Ex. No.	Date	Description	Authenticity	Admissibility	Objection	Admitted
5	Various	Lindquist Email Production (Lindquist_915 – 1257)	Stipulated	Disputed	FRE 401–03; hearsay; foundation; exhibit consists of a multitude of documents and the relevance of all of them has not been established; many of the documents are form emails with no relation to this case and therefore are likely to confuse the jury	
6	Various	Allstate/ WLHR Letters (Allstate003352 – 003388; Allstate Allstate004372 – 004546; Allstate004951 – 005095)	Stipulated	Disputed	FRE 401–03; Hearsay; exhibit contains a multitude of documents including duplicates; this exhibit as currently constituted will confuse the jury	
7	1/10/2020	Allstate Photos (Allstate 003477 – 003532)	Stipulated	Stipulated		

Ex. No.	Date	Description	Authenticity	Admissibility	Objection	Admitted
8	Various	Dimont Documents (Allstate 004547 – 004883)	Stipulated	Disputed	FRE 401–403; Hearsay; in addition, this exhibit consists of multiple documents, for which the admissibility of each must be shown	
9	Various	Police Reports (ECF 72-1 & 205-2)	Stipulated	Disputed	FRE 401–403; hearsay	
10	Various	Paul Davis Documents (PD000133 - PD000200; PD000329 - PD000351)	Stipulated	Stipulated		
11	Various	Grondahl Documents (Grondahl 000001 – 289)	Stipulated	Stipulated		
12	Various	Crowley Photos	Stipulated	Disputed	Reserved	
13	9/11/13	Lindquist Bankruptcy Confirmation Hearing Transcript	Stipulated	Disputed	FRE 401–03; Hearsay; Foundation	
14	4/3/19	Memo re Edmonds Property Sternberg_434-435	Stipulated	Disputed	FRE 401–03, 408; Foundation	

Ex. No.	Date	Description	Authenticity	Admissibility	Objection	Admitted
15	7/12/19	Letter to Kaplowitz re Edmonds Property Sternberg_442-443	Stipulated	Disputed	FRE 401–03, 408; Foundation	
16	3/16/22	Variance Report	Stipulated	Disputed	Hearsay; foundation	
17	2/12/22	Valuation Report	Stipulated	Disputed	Hearsay; foundation	
18	3/16/22	Adjusted Value Report	Stipulated	Disputed	Hearsay; foundation	
19	2/16/22	Puget Sound Claim Consulting Report	Stipulated	Disputed	Hearsay; foundation; see court's ruling on this report	
20	3/16/22	Puget Sound Claim Consulting Rebuttal Report	Stipulated	Disputed	Hearsay; foundation; see court's ruling on this report	
21	2/16/22	Forensic Analysis – Initial Findings	Stipulated	Disputed	Hearsay; foundation; MIL	
22	4/18/22	Forensic Analysis – Supplemental Report	Stipulated	Disputed	Hearsay; foundation; MIL	
23		Fire Origin and Cause Report	Stipulated	Stipulated as to Pages 1-32; Disputed as to remainder	FRE 401–03; Hearsay	
24	Various	Records from T-Mobile/Sprint	Stipulated	Disputed	FRE 401–403; Hearsay; MIL	

Ex. No.	Date	Description	Authenticity	Admissibility	Objection	Admitted
25	Various Dates	Bankruptcy Filings from <i>In re Randy Alan Lindquist</i> , Cause No. 12-17027-MLB, including Dkt. #s: 2, 15, 16, 24, 25, 26, 34, 42, 70, 84-1, 97, 99, 99-2, 108, 120, 120 – 2, 120 -3, 122, 145, 159, 172, 172 -2, 172 – 3, 172 – 4, 176 – 2, 207 -2, 215, 240, 241	Stipulated	Disputed	FRE 401–403; MIL	
26	Various Dates	Animal Control Reports	Stipulated	Disputed	FRE 401–403; Hearsay	
27	December 26, 2019	Drone Footage of Property Post-Fire	Disputed	Disputed		
28	December 25, 2019	Video Footage of Fire [333]				
29	Various Dates	Foreclosure filings from <i>Chase Bank vs. Randy Lindquist, et. al.</i> , Snohomish County Superior Court, Case #18-2-039999-31, including Dkt #s: 2, 21.			FRE 401–403; Hearsay	
30	September 16, 2020	Email from Allstate to Lindquist's Counsel.				

Ex. No.	Date	Description	Authenticity	Admissibility	Objection	Admitted
31	[Reserved]					
32	[Reserved]					

Mr. Lindquist's Exhibits

Ex. No.	Date	Description	Authenticity	Admissibility	Objection	Admitted
A -1		Lindquist's Insurance Policy, Bates No. ALLSTATE003298-003351	Stipulated	Disputed	MIL; FRE 401-403	
A-2		Lindquist's Proofs of Loss, Bates No. A-02 000001-35	Stipulated	Stipulated	N/A	
A-3		Excerpts from Allstate Claim File Notes, Bates No. ALLSTATE000003-8, 11-15, 18, 20, 22-27, 33-36, 39-41, 47, 59, 60, 65, 78, 96, 102, 110, 117, 141, 142, 149, 154, 155, 173, 174, 186, 214, 246, 257, 258, 290, 295, 306, 336, 381, 379-381, 414, 452, 455, 482, 498, 499, 503, 505, 509, 510, 517	Stipulated	Disputed	Reserved	

Ex. No.	Date	Description	Authenticity	Admissibility	Objection	Admitted
A-4		Allstate's Cause and Origin Report, Bates No. ALLSTATE000639-000646	Stipulated	Stipulated	N/A ⁵	
A-5		Allstate Underwriting File Note Re 2013 Claim, Bates No. ALLSTATE001221	Stipulated	Disputed	FRE 401-403	
A-6		Allstate Underwriting File Notes, Bates No. Allstate002715-002719	Stipulated	Stipulated	N/A	
A-7	2/07/2014	Email Exchange between Jason Jepson and Melody Grondahl, Bates No. Grondahl000076	Stipulated	Stipulated	N/A	
A-8	2/10/2014	Claim note from J. Jepson, Bates No. ALLSTATE001301	Stipulated	Stipulated	N/A	
A-9	12/25/2019	Grondahl Agency Note Re Call with Lindquist Re Fire, Bates No. Grondahl000013	Stipulated (subject to edit of date. Per note, date is 12/26/19).	Stipulated	N/A, <i>subject to editing of date.</i>	

⁵ Allstate Comment: Duplicate; see Allstate Ex#23.

Ex. No.	Date	Description	Authenticity	Admissibility	Objection	Admitted
A-10	12/31/2019	Policy and Claim Summary, Bates No. ALLSTATE003569	Stipulated	Stipulated	N/A	
A-11	12/31/2019	First Notice of Loss Snapshot, Bates No. ALLSTATE003533-003536	Stipulated	Stipulated	N/A	
A-12	1/10/2020	Allstate Pre-Suit Referral, Bates No. 003465-003466	Stipulated	Disputed	Dkt#73 & Dkt#98.5 (Privilege Log Pursuant to ECF 73 Order on In-Camera Review), Attorney-Client Privilege, Work-Product Privilege, & Anticipation of Litigation; FRE 501-502	
A-13	1/10/2020	Letter from Allstate to Lindquist, Bates No. ALLSTATE003258	Stipulated	Stipulated	N/A	

Ex. No.	Date	Description	Authenticity	Admissibility	Objection	Admitted
A-14	6/30/2020	Letter to Leid from Ruiz, EX A-014 PG 000001-2	Stipulated	Disputed	E; FRE 401-403, FRE 801-803	
A-15	7/7/2020	Letter from R&S to Leid, Bates No. EX A-014 PG 000001-2	Stipulated	Disputed	E; FRE 401-403, FRE 801-803	
A-16	11/12/2020	IFCA Violation Notice to Allstate, Bates No. Ex. A-016 PG. 000001-4	Stipulated	Disputed	E; FRE 401-403, FRE 801-803	
A-17	11/25/2020	Allstate's Response to IFCA Notice, Bates No. Ex. A-017-000001-2	Stipulated	Disputed	FRE 401-403, FRE 501-502, FRE 801-803	
A-18	9/4/2013	Photographs of the home from Voves Appraisal, Bates No. EX, A-018 PG 000001-7.	Stipulated	Stipulated	N/A ⁶	
A-19		Renderings of interior of house provided by Allstate, Bates No. Ex. A-019 PG 000001-10	Stipulated	Disputed	E; FRE 401-403, FRE 801-803	
A-20	12/17/2018	Photographs of the home from Khazani Appraisal, Bates No. EX. A-020 PG000001-18	Stipulated	Stipulated	N/A ⁷	

⁶ Allstate Comment: Duplicate; see Allstate Ex#2.

⁷ Allstate Comment: Duplicate; see Allstate Ex#3.

Ex. No.	Date	Description	Authenticity	Admissibility	Objection	Admitted
A-21	1/10/2020	Photographs of the house after the fire, Bates No. ALLSTATE003486-003504, 003507-003532	Stipulated	Stipulated	N/A	
A-22		Photos of inside of house from Kiana Lindquist, Bates No. Kiana_Lindquist00001-000005	Stipulated (subject to editing of date; per testimony of K. Lindquist, date is either 10/31/2010 or 11/15/2010	Disputed, <i>Subject to editing of date; per testimony of K. Lindquist, date is either 10/31/2010 or 11/15/2010.</i>	N/A, <i>subject to editing of date.</i>	
A-23	2/11/2020-2/28/2020	Paul Davis claim notes, Bates No. PD000165-000169	Stipulated	Stipulated	N/A	
A-24	2/7-11/2020	Email correspondence between Mark Crowley and Greg Thode, Bates No. PD000133-000137	Stipulated	Disputed	FRE 801-803	
A-25	2/11/2020-2/20/2020	Email Correspondence between Mark Crowley, Bret Follett and Greg Thode, Bates No. PD000139-000143	Stipulated	Disputed	FRE 801-803	
A-26	2/7/2020	Paul Davis Estimate, Bates No. Allstate002835-002841	Stipulated	Stipulated	N/A	

Ex. No.	Date	Description	Authenticity	Admissibility	Objection	Admitted
A-27		Instructions from Sheryl Cade, Allstate to EFI Global Re Fire Investigation, Bates No. Allstate002514	Stipulated	Stipulated	N/A	
A-28		EFI Global Activity Log, Bates No. EX. A-028 PG 00001–4.	Stipulated	Disputed	E; FRE 401-403	
A-29		Paul Davis Photo – Signs on Gate, Bates No. EX. A-019 PG 000001.	Stipulated	Stipulated	N/A	
A-30		Paul Davis Photos of Demolition, Bates No. EX A-30 PG 000001–6	Stipulated	Stipulated	N/A	
A-31		Paul Davis Photos of Demolition with Backhoe, Bates No. EX A-031 PG 000001–5.	Stipulated	Stipulated	N/A	
A-32	2/1/1999	Allstate R3001A Exclusive Agency Agreement – Grondahl, Bates No. Grondahl Confidential000001–000014	Stipulated	Disputed	FRE 401-403; there is no dispute as to the agency relations hip as between Allstate and Melody Grondah, FRE 901(a)	

Ex. No.	Date	Description	Authenticity	Admissibility	Objection	Admitted
A-33	4/1/2021	Independent Contractor Manual Revision Notice, Exclusive Agency Independent Contractor Manual, Bates No. Allstate v. Lindquist – CONFIDENTIAL0 0001013–00001061	Stipulated	Disputed	Dkt#69; FRE 401-403	
A-34	8/10/2020	Allstate Agency Standards Revision Notice, Bates No. Allstate v. Lindquist CONFIDENTIAL0 0000984–00001012	Stipulated	Disputed	Dkt#69; FRE 401-403	
A-35		Customer Portfolio Allstate, Bates No. ALLSTATE003995–003996	Stipulated	Disputed	FRE 401-403, FRE 501-502, FRE 801-803	
A-36		Allstate Inspection of Lake Forest Park house, Bates No. ALLSTATE003998–004010	Stipulated	Disputed	FRE 401-403	
A-37	9/23/2004	Allstate Property Evaluation Report, Bates No. Grondahl000077–000100	Stipulated	Disputed	FRE 401-403,	
A-38		SWAFMM02 – Allstate Gateway, Bates No. Grohdahl0000107	Stipulated	Disputed	FRE 401-403,	

Ex. No.	Date	Description	Authenticity	Admissibility	Objection	Admitted
A-39	6/1/2021	Supplement Revision Notice, Bates No. Allstate v. Lindquist – CONFIDENTIAL0 0001062–00001339	Stipulated	Disputed	Dkt#69; FRE 401-403	
A-40		SIU Metrics, Bates No. Allstate v. Lindquist CONFIDENTIAL0 0000974–983	Stipulated	Disputed	Dkt#69; FRE 401-403	
A-41		SIU Auto and Property CONTACT Standard Process, Bates No. Allstate v. Lindquist CONFIDENTIAL0 0000926–00000951	Stipulated	Disputed	Dkt#69; FRE 401-403	
A-42		Allstate Claim Guidelines, Bates No. Allstate v. Lindquist CONFIDENTIAL0 0000439–00000677	Stipulated	Disputed	Dkt#69; FRE 401-403	
A-43		Invoice of Steve Castele, Bates No. EX A-043 PG 000001.	Stipulated	Disputed	FRE 104(b); FRE 401-403; FRE 901(a)	
A-44		Invoice of Terry Eggert, Bates No. EX A-044 PG 000001–3	Stipulated	Disputed	FRE 104(b); FRE 401-403; FRE 901(a)	

Ex. No.	Date	Description	Authenticity	Admissibility	Objection	Admitted
A-45		Invoice of Roger Howson including first invoice of Terry Eggert, Bates No. EX A-045 PG 000001-2	Stipulated	Disputed	FRE 104(b); FRE 401-403; FRE 901(a)	
A-46		Invoice of Randall Karstetter, Bates No. EX A-046 PG 000001-2	Stipulated	Disputed	FRE 104(b); FRE 401-403; FRE 901(a)	
A-47		Invoice of Tom Lether, Bates No. EX. A-047 PG 000001-12_	Stipulated	Disputed	FRE 104(b); FRE 401-403; FRE 901(a)	
A-48		Invoice of Paul Pederson, Bates No. EX. A-048 PG 000001-4	Stipulated	Disputed	FRE 104(b); FRE 401-403; FRE 901(a)	
A-49	7/8/2020	Letter from I. Ruiz to R. Leid, Bates	Stipulated	Disputed	E; FRE 401-403, FRE 801-803	
A-50	08.08.20	Meeds & Assoc. Consulting, Bates No. EX. A-050 PG. 000001-9	Stipulated	Stipulated	N/A	
A-51	03.03.01 11.04.01 08.05.03	NWMLS Subject Photographs re: KM Job A21-2077, Bates No. EX. A-051 PG. 000001	Stipulated	Stipulated	N/A	

Ex. No.	Date	Description	Authenticity	Admissibility	Objection	Admitted
A-52	5/12/2021	Paul Davis-Allstate Indemnity Agreement, Bates No. PD_Confidential 000001	Stipulated	Disputed	Dkt#69; FRE 401-403; FRE 501-502; Attorney-Client Privilege; Work-Product; Anticipation of Litigation	
A-53	12/25/2019	Patricia Christenson Note, Bates No. Grondahl 000013			Reserved	
A-54	12/26/2019	Patricia Christenson Email to Lindquist, Bates No. Lindquist 001188			Reserved	
A-55	01/19/2020	Chase Letter to Allstate, Bates No. 004839			Reserved	
A-56	01/22/2020	De Lira Claim Note, Bates No. Dimont 000778			Reserved	
A-57	02/25/2020	Greg Thode Email to Mark Crowley, Bates No. 000146			Reserved	
A-58	02/27/2020	Emails between Mark Crowley and Greg Thode, Bates No. PD000144-000145			Reserved	
A-59	06/18/2020	Ruiz letter to Leid, Bates No. Exhibit A-059 Page 000001			Reserved	

Ex. No.	Date	Description	Authenticity	Admissibility	Objection	Admitted
A-60	[RESERVE D]	Cellular Phone Records of Mr. Lindquist [RESERVED PENDING RULING ON MOTION IN LIMINE]			Reserved	
A-61	[RESERVE D]	Claim Summary Chart [RESERVED]			Reserved	
A-62	[RESERVE D]	Pre-loss Summary Chart [RESERVED]			Reserved	
A-63	[RESERVE D]				Reserved	

The Parties reserve the right to move to admit any exhibit or portion of an exhibit listed by the other parties and to introduce and move to admit additional exhibits at trial to rebut the other parties' s case-in-chief or rebuttal witnesses.

7. DEPOSITION DESIGNATIONS

Randy Lindquist's Deposition Designations:

Randy Lindquist designates the following testimony and will provide the Court with highlighted transcripts by July 27, 2022, in accordance with the Case Scheduling Order, Dkt. 30.

- **Ryan Jensen** (Allstate Fed. R. Civ. P. 30(b)(6) Designee):

28:25–29:6
29:7–11
29:12–16
29:24–30:1
30:2–7
30:8–16
38:15–20
38:21–25

39:1–8
39:9–15
39:16–22
39:23–40:6
40:7–9
40:12–16
40:17–23
40:24–41:6
41:7–12
48:12–17
48:24–49:6
51:22–52:2
84:2–7
84:8–12
98:14–19
99:4–10
99:11–17
99:18–24
99:25–100:5
100:6–9

- **Craig Nemecek** (Allstate Fed. R. Civ. P. 30(b)(6) Designee):

23:13–21
32:2–10
32:11–17
32:18–24
37:3–23
54:16–55:3
56:4–11
56:12–19
57:9–20
58:6–15
59:18–60:6
62:4–8
62:18–63:9
66:13–67:2
67:19–68:4
68:17–69:5
69:12–17
71:9–72:1
72:2–17
72:22–73:11
73:12–74:11
74:12–18
76:7–15

1 77:19–25
78:16–23
2 83:14–17
91:1–13
3 106:23–107:5
167:20–168:4

4
5 • **Karl Buettner:**

50:3–22
6 51:25–52:21
57:20–59:13
7 60:16–20
61:4–21
8 64:7–13
64:22–66:11
9 79:6–81:12
85:3–17
10 86:14–87:15
88:13–89:1
11 90:1–25
91:14–92:9
12 92:14–93:7
93:14–24
13 95:18–98:15
98:16–99:10
14 99:11–100:19
100:23–101:1
15 104:9–105:24

16 • **David Ganshow:**

17 10:23–11:7
14:18–23
18 14:24–15:11
27:3–28:7
19 28:8–14
28:15–18
20 34:8–35:12
35:13–21
21 36:3–16
36:17–37:1
22 37:2–21
37:22–38:2
23 38:3–39:7
40:18–42:5
42:6–17

1
2 The above witnesses will testify in person at trial. Mr. Lindquist also intends to play the
3 above deposition excerpts via videoclip, a copy of which will be provided to the Court and all
4 counsel.

5 **Allstate's Objections:**

6 As a preliminary matter, Allstate objects to Lindquist's deposition designations
7 pursuant to LCR 32(e). Per LCR 32(e) and the current CSO (Dkt#30), Lindquist's counsel
8 should have provided highlighted transcripts by 7/5/22, to afford Allstate's counsel the required
9 10 days to offer counter designations prior to the 7/27/22 deadline to submit (but not file)
10 deposition designations. At 9:10 pm on Sunday, July 24, 2022, Lindquist's counsel provided
11 deposition designations for 4 witnesses, Ryan Jensen, Craig Nemecek, Greg Thode,⁸ David
12 Ganschow. The designations provided do not comport with the requirements of LCR 32(e).
13 Moreover, Allstate has not received highlighted transcripts for any of these depositions.

14 **Allstate objects to Lindquist's deposition designations and otherwise reserves the right to**
15 **offer counter designations.**

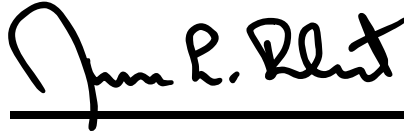
16 Furthermore, LCR 32(e) provides that, "[i]f a party intends to offer a video deposition
17 instead of live testimony, the party must, in addition to complying with the provisions above,
18 submit a copy of the video deposition to the court upon request and to all other parties no later
19 than the deadline for filing the pretrial order." **Without waiver, Allstate request Defendant**
20 **Lindquist immediately provide a copy of the video depositions.**

21
22
23

⁸ On 7/25/22, Lindquist's counsel notified counsel for Paul Davis that "Greg Thode" was a scrivener error, and that the designations were for "Karl Buettner." Same objections.

1 NOW, THEREFORE, IT IS HEREBY ORDERED:

2
3 DONE IN OPEN COURT this 3rd day of August, 2022.

4
5
6 

7 THE HONORABLE JAMES L. ROBART

8 Presented by:

9 **WATHEN | LEID | HALL | RIDER, P.C.**

10 s/ Kimberly Larsen Rider

11 Rory W. Leid, III, WSBA #25075

12 Kimberly Larsen Rider, WSBA #42736

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21 s/ Kathryn M. Knudsen (via email authorization 7/25/22)

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